

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION**

STATE OF TEXAS,  
STATE OF ALASKA,  
STATE OF ALABAMA,  
STATE OF ARKANSAS,  
STATE OF FLORIDA,  
STATE OF GEORGIA,  
STATE OF INDIANA,  
STATE OF IOWA,  
STATE OF KANSAS,  
STATE OF LOUISIANA,  
STATE OF MISSOURI,  
STATE OF MONTANA,  
STATE OF NEBRASKA,  
STATE OF SOUTH CAROLINA,  
STATE OF SOUTH DAKOTA,  
STATE OF UTAH, and  
STATE OF WEST VIRGINIA,

*Plaintiffs,*

v.

XAVIER BECERRA, in his official capacity as  
Secretary of Health and Human Services; UNITED  
STATES DEPARTMENT OF HEALTH AND HUMAN  
SERVICES,

*Defendants.*

CASE NO. 5:24-CV-00225-C

---

**JOINT MOTION  
TO STAY ANSWER DEADLINE AND  
FOR ENTRY OF A SCHEDULING ORDER**

---

The Plaintiff States of Texas, Alaska, Alabama, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, South Carolina, South Dakota, Utah, and West Virginia (Plaintiffs) and Defendants Xavier Becerra, in his official capacity as Secretary of Health

and Human Services, and the United States Department of Health and Human Services (Defendants) (together, the Parties), have conferred and agree that this case presents purely legal issues amenable to resolution on dispositive cross-motions. The Parties jointly move this Court (1) to stay Defendants' deadline to answer or otherwise respond to the Complaint until further order of the Court, and (2) for entry of an order setting forth the following briefing schedule for dispositive cross-motions:

Defendants shall file the administrative record on or before **December 15, 2024**;

Plaintiffs shall file their Motion for Summary Judgment on or before **January 15, 2025**;

Defendants shall file their Combined Cross-Motion to Dismiss and/or for Summary Judgment and Memorandum in Opposition to Plaintiffs' Motion for Summary Judgment on or before **February 12, 2025**;

Plaintiffs shall file their Combined Reply in Support of their Motion for Summary Judgment and Memorandum in Opposition to Defendants' Cross-Motion to Dismiss and/or for Summary Judgment on or before **March 12, 2025**;

Defendants shall file their Reply in Support of their Cross-Motion to Dismiss and/or for Summary Judgment on or before **April 9, 2025**.

Dated: November 22, 2024.

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney  
General

EMILY B. NESTLER  
Assistant Branch Director

/s/ John T. Lewis (\*with consent)

**JOHN T. LEWIS**  
Trial Attorney  
Texas State Bar No. 24095074  
john.t.lewis.iii@usdoj.gov

U.S. DEPARTMENT OF JUSTICE  
Civil Division, Federal Programs Branch  
1100 L Street NW  
Washington, D.C. 20530  
Tel: (202) 353-0533  
Fax: (202) 616-8460

COUNSEL FOR DEFENDANTS

Respectfully submitted,

KEN PAXTON  
Attorney General of Texas

BRENT WEBSTER  
First Assistant Attorney General

RALPH MOLINA  
Deputy First Assistant Attorney General

AUSTIN KINGHORN  
Deputy Attorney General for Legal Strategy

/s/ Ryan D. Walters  
**RYAN D. WALTERS**  
Chief, Special Litigation Division  
Texas State Bar No. 24105085  
ryan.walters@oag.texas.gov

**ZACHARY L. RHINES**  
Special Counsel  
Texas State Bar No. 24116957  
zachary.rhines@oag.texas.gov

**KYLE S. TEBO**  
Special Counsel  
Texas State Bar No. 24137691  
kyle.tebo@oag.texas.gov

OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
Special Litigation Division  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711-2548  
Telephone: (512) 463-2100  
Fax: 512-457-4410

COUNSEL FOR STATE OF TEXAS

TREG TAYLOR  
Attorney General of Alaska

/s/ Christopher A. Robison

**CHRISTOPHER A. ROBISON**  
Alaska Bar No. 2111126  
Texas Bar No. 24035720

**LAURA O. RUSSELL\***  
Alaska Bar No. 1311106

Assistant Attorneys General  
Alaska Department of Law  
1031 West 4th Avenue, Suite 200  
Anchorage, Alaska 99501-1994  
Telephone: (907) 269-5100  
chris.robison@alaska.gov  
laura.russell@alaska.gov

**COUNSEL FOR ALASKA**  
*\*Pro Hac Vice*

STEVE MARSHALL  
Attorney General of Alabama

/s/ Edmund G. LaCour Jr.

**EDMUND G. LACOUR JR.**  
Solicitor General  
Office of the Attorney General of Alabama  
501 Washington Avenue  
Montgomery, Alabama 36130  
Telephone: (334) 242-7300  
edmund.lacour@alabamaag.gov

**COUNSEL FOR ALABAMA**

TIM GRIFFIN  
Attorney General of Arkansas

/s/ Nicholas J. Bronni

**NICHOLAS J. BRONNI**  
Solicitor General  
323 Center Street, Suite 200  
Little Rock, Arkansas 72201  
nicholas.bronni@arkansasag.gov  
**COUNSEL FOR ARKANSAS**

ASHLEY MOODY  
Attorney General of Florida

/s/ James Percival

**JAMES H. PERCIVAL\***  
Chief of Staff  
Office of the Attorney General  
The Capitol, Pl-01  
Tallahassee, Florida 32399-1050  
Telephone: (850) 414-3300  
Facsimile: (850) 410-2672  
james.percival@myfloridalegal.com

**COUNSEL FOR FLORIDA**  
*\*Pro Hac Vice*

CHRISTOPHER M. CARR  
Attorney General of Georgia

/s/ Stephen J. Petrany

**STEPHEN J. PETRANY\***  
Solicitor General  
Office of the Attorney General  
40 Capitol Square, SW  
Atlanta, Georgia 30334  
Telephone: (404) 458-3408  
spetrany@law.ga.gov

**COUNSEL FOR GEORGIA**  
*\*Pro Hac Vice*

THEODORE E. ROKITA  
Attorney General of Indiana

/s/ James A. Barta

**JAMES A. BARTA\***  
Solicitor General  
Indiana Attorney General's Office  
IGCS – 5th Floor  
302 W. Washington St.  
Indianapolis, Indiana 46204  
Telephone: (317) 232-0709  
james.barta@atg.in.gov

**COUNSEL FOR INDIANA**  
*\*Pro Hac Vice*

BRENNA BIRD  
Attorney General of Iowa

/s/ Eric H. Wessan

**ERIC H. WESSAN**  
Solicitor General  
1305 E. Walnut Street  
Des Moines, Iowa 50319  
Telephone: (515) 823-9117  
Facsimile: (515) 281-4209  
eric.wessan@ag.iowa.gov

**COUNSEL FOR IOWA**

KRIS KOBACH  
Attorney General of Kansas

/s/ Abhishek Kambli

**ABHISHEK KAMBLI\***  
20 SW 10th Ave, 2nd Floor,  
Topeka, Kansas 66612-1597  
Telephone: (785) 296-2215  
abhishek.kambli@ag.ks.gov

**COUNSEL FOR KANSAS**

*\*Pro Hac Vice Application forthcoming*

ELIZABETH B. MURRILL  
Attorney General of Louisiana

s/ J. Benjamin Aguiñaga

**J. BENJAMIN AGUIÑAGA\***  
Solicitor General  
Office of the Attorney General  
1885 N. 3rd St.  
Baton Rouge, Louisiana 70802  
Telephone: (225) 506-3746  
aguinagab@ag.louisiana.gov

**COUNSEL FOR LOUISIANA**

*\*Pro Hac Vice Application forthcoming*

ANDREW BAILEY  
Attorney General of Missouri

/s/ Josh Divine

**JOSH DIVINE**  
Solicitor General  
Office of the Attorney General  
815 Olive St., Suite 200  
St. Louis, Missouri 63188  
josh.divine@ago.mo.gov

**COUNSEL FOR MISSOURI**

AUSTIN KNUDSEN  
Attorney General of Montana

**CHRISTIAN B. CORRIGAN**  
Solicitor General

/s/ Peter M. Torstensen, Jr.

**PETER M. TORSTENSEN, JR.\***  
Deputy Solicitor General  
Montana Department of Justice  
215 N. Sanders Street  
Helena, Montana 59601  
Telephone: (406) 444-2026  
christian.corrigan@mt.gov  
peter.torstensen@mt.gov

**COUNSEL FOR MONTANA**

*\*Pro Hac Vice*

MICHAEL T. HILGERS  
Attorney General of Nebraska

/s/ Grant D. Strobl

**GRANT D. STROBL**  
Assistant Solicitor General  
2115 State Capitol  
Lincoln, NE 68509  
Telephone: (531) 207-3853  
grant.strobl@nebraska.gov

**COUNSEL FOR NEBRASKA**

ALAN WILSON  
Attorney General of South Carolina

s/ J. Emory Smith, Jr.

**JAMES EMORY SMITH, JR.\***

Deputy Solicitor General  
Office of the Attorney General  
PO Box 11549

Columbia, South Carolina 29211

Telephone: (803) 734-3642

Facsimile: (803) 734-3677

esmith@scag.gov

**COUNSEL FOR SOUTH CAROLINA**

*\*Pro Hac Vice*

MARTY JACKLEY  
Attorney General of South Dakota

/s/ Aaron Salberg

**AARON SALBERG\***

Assistant Attorney General

1302 E. Highway 14, Suite 1

Pierre, South Dakota 57501

Telephone: (605) 773-3215

aaron.salberg@state.sd.us

**COUNSEL FOR SOUTH DAKOTA**

*\*Pro Hac Vice*

SEAN D. REYES

Attorney General of Utah

Office of the Attorney General

PO Box 142320

Salt Lake City, Utah 84114-2320

/s/ Scott St. John

**SCOTT ST. JOHN\***

St. John LLC

1701 Jefferson Avenue

New Orleans, LA 70115

Telephone: (410) 212-3475

scottstjohn@agutah.gov

scott@stjohnlaw.com

**COUNSEL FOR UTAH**

*\*Pro Hac Vice Application forthcoming*

PATRICK MORRISEY

Attorney General of West Virginia

/s/ Michael R. Williams

**MICHAEL R. WILLIAMS\***

State Capitol Complex, Bldg. 1, Rm E-26

1900 Kanawha Blvd. E

Charleston, West Virginia 25305

Telephone: (681)-313-4511

Facsimile: (304) 558-0140

michael.r.williams@wvago.gov

**COUNSEL FOR WEST VIRGINIA**

*\*Pro Hac Vice*

#### **CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on November 22, 2024 and that all counsel of record were served by CM/ECF.

/s/ Ryan D. Walters

Ryan D. Walters